

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

JUL 21 2010

**Phil Lombardi, Clerk
U.S. DISTRICT COURT**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DENNY EDWARD PHILLIPS,

Defendant.

Case# 10-CR-00057-GKF

MOTION FOR DETENTION HEARING

COMES NOW the United States of America, and hereby requests that the Court hold a hearing to determine whether any condition, or combination of conditions, as set forth in 18 U.S.C. § 3142(c), (e) and (f), will reasonably assure the appearance of the Defendant as required and the safety of any other person and the community.

The detention hearing requested herein is sought based upon the following:

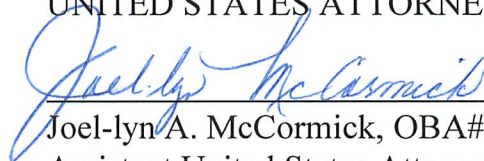
- ☒ The offense charged is a crime of violence.
- ☐ The Defendant is charged under 18 U.S.C. § 924(c) and is subject to the rebuttable presumption provisions of 18 U.S.C. § 3142(e).
- ☐ The offense charged carries a maximum sentence of life imprisonment or death.
- ☐ The offense charged carries a maximum term of imprisonment of ten (10) years or more pursuant to the Controlled Substances Act (21 U.S.C. § 801, *et seq.*), the Controlled Substances Import and Export Act (21 U.S.C. § 951, *et seq.*), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. § 1901, *et seq.*), and the Defendant is subject to the rebuttable presumption provisions of 18 U.S.C. § 3142(e).
- ☐ The offense charged is a felony which was committed after the Defendant had been convicted of two or more prior offenses described in 18 U.S.C.

§ 3142(f)(1)(A) through (C), or two or more state or local offenses that would have been offenses if a circumstance giving rise to federal jurisdiction had existed, or a combination of such offenses.

- ☐ The offense charged involves a minor victim. 18 U.S.C. § 3142(f)(1)(E).
- ☒ The offense charged involves the possession or use of a firearm or destructive device (as those terms are defined in 18 U.S.C. § 921), or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250. 18 U.S.C. § 3142(f)(1)(E).
- ☒ The existence of a serious risk that the Defendant will flee.
- ☒ The existence of a serious risk that the Defendant will obstruct or attempt to obstruct justice, threaten, injure or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror.
- ☒ Release of the Defendant would create a serious danger to the safety of other persons or the community. 18 U.S.C. § 3142(b) and (g)(4).
- ☐ This revocation matter is brought under 18 U.S.C. § 3148. Defendant is subject to the "penalty" provisions of 18 U.S.C. § 3147, the release provisions in 18 U.S.C. § 3142(g)(3)(B) and the rebuttable presumptions in 18 U.S.C. § 3148(b).

Respectfully submitted,

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